

## **SCHOOL ATTENDANCE**

### **WHAT SOUTH CAROLINA LAW SAYS ABOUT SCHOOL ATTENDANCE**

#### **GENERAL QUESTIONS**

##### **WHEN MUST CHILDREN BEGIN SCHOOL IN SOUTH CAROLINA?**

In our state, children aged 5 through 17 must go to school. This may be a public school, private school, or home school. Parents may keep their five-year-old child out of kindergarten; if you decide to do so, you must sign a waiver form that you can get from your local school.

##### **WHERE DO I GO TO ENROLL MY CHILD IN SCHOOL?**

In most cases, you and your child will need to go to the school closest to where you live. If you are not sure where the school is, you can call the school district office, which will be listed in the blue pages in the phone book.

##### **WHAT DO I NEED TO TAKE WITH ME?**

Parents of kindergarteners or first graders will need proof of their child's age, such as a birth certificate, and proof of immunizations. Most districts also require some proof of where you live such as a utility bill or lease. If your child went to another school, be sure to give the new school all the information you can, such as the old school's location and whether the child was in gifted classes or special education.

#### **SCHOOL AFFIDAVITS**

##### **A CHILD LIVES IN MY HOME, BUT I AM NOT HER PARENT OR LEGAL GUARDIAN. CAN I ENROLL HER IN SCHOOL?**

Yes. You must fill out a form called a school affidavit, sign it in front of someone who is a notary public, and take it to the school in the district where you live.

##### **WHAT IS A SCHOOL AFFIDAVIT?**

This is a legal paper that says that a school-aged child is living with you instead of with his or her parent or guardian. The school affidavit must state why that child is in your home. The affidavit also says that the school may contact you to make important decisions about the child's education

##### **HOW DO I KNOW IF I CAN USE A SCHOOL AFFIDAVIT?**

The law states that there are only six reasons you can enroll a child in school using an affidavit.

They are:

- The parent or legal guardian has died or is in prison or jail.
- The parent or legal guardian has completely given up control of this child. You must be able to prove that the parent or legal guardian has not provided you or anyone else money, advice,

support, guidance, or anything else that might show that they still want to help make decisions about this child.

- The child has been abused or neglected by a parent or legal guardian.
- The parent or legal guardian is not able to care for or supervise this child because they are physically or mentally ill.
- The parent or legal guardian is homeless.\* If one of the above applies to the child, and that is the reason he or she lives with you, you can enroll that child in school using an affidavit.
- The parent or legal guardian's military deployment or call to active duty is more than 70 mile from their residence for a period greater than 60 days.

**\*Special Note about students who may be homeless:**

The law says that homeless children may stay in their original school without changing, and that the school district should help make sure this happens. This is usually a better choice for homeless children and youth. Remember, a child living with a family member or friend can be considered homeless. You should talk with the school district or an attorney if you are trying to help a child in this situation.

**DO I NEED TO TALK ABOUT THIS CHILD'S FAMILY SITUATION ON THE AFFIDAVIT?**

Yes. On the affidavit, you will have to place a check by one of those five reasons and tell why the child lives with you.

Remember, the school is now counting on you to be involved, so giving them this information can help them know how to best serve the child. You can ask the school to keep this information private.

**WHO SHOULD NOT USE THE SCHOOL AFFIDAVIT TO GET A CHILD INTO SCHOOL?**

Anyone trying to enroll a child who does not actually live with them in that school district cannot legally use an affidavit. If you are not truthful about any part of the affidavit, you could be found guilty of a crime and made to pay a fine or sent to jail for up to 30 days. You may also be required to pay the school district money for the time the child was attending school there. If you cannot honestly say that one of those five reasons is why a child lives with you, do not use an affidavit to get that child into a school.

**WHAT HAPPENS AFTER I TAKE A COMPLETED, SIGNED, AND NOTARIZED AFFIDAVIT TO THE SCHOOL?**

The school must enroll the child.

**WHERE CAN I FIND A COPY OF A SCHOOL AFFIDAVIT TO USE?**

Ask the school for a copy. If they do not have one, you may be able to get one from a legal services office. Information about how to reach them is at the end of this brochure. If you have access to the Internet at home or at your public library, you can also find one at: <http://www.scjustice.org/wp-content/uploads/2012/04/school-affidavit.pdf>.

**DO I NEED AN ATTORNEY TO HELP ME WITH THE AFFIDAVIT?**

No. Once you have completed this document and signed it in front of someone who is a notary public, the school must accept it right then without any further documentation.

**DO I NEED TO GET CUSTODY OF A CHILD TO ENROLL HIM OR HER IN SCHOOL?**

No, you do not need to get custody or a court order. The purpose of signing and giving the school an affidavit is to show that you are caring for that child and are responsible for them right now.

## **THE SCHOOL HAS ENROLLED THE CHILD LIVING WITH ME BUT THEY NOW SAY THEY NEED SOME OTHER INFORMATION. WHAT DO I NEED TO DO?**

The school wants to make sure that the child in your home is in fact living with you. The school also wants to ensure they can reach you in order to make educational decisions for the child. There are different ways you can give them this information. Examples include providing insurance records, housing vouchers, or food stamp records to show the student lives in your home now. You do not have to go to court or have an attorney take your case to keep the child in school. However, if you do want to get custody of the child, contact an attorney as soon as possible.

## **OTHER ATTENDANCE QUESTIONS**

### **CAN I BE PUNISHED IF I DO NOT ENROLL MY CHILD IN SCHOOL?**

Yes. The law says that parents or legal guardians must send their children to school. If the school district does not have records to show that your child is enrolled in school or regularly attending, you might be ordered to come to court, where you could be made to pay a fine or even sent to jail for up to 30 days.

### **CAN I TEACH MY CHILD AT HOME?**

Yes, but there are certain legal requirements that all home schools must meet. Do not make this decision without talking to other parents who home-school or to an organization that helps parents who want to home-school.

### **MY CHILD HAS BEEN SICK AND NEEDS TO MISS SCHOOL. WHAT SHOULD I DO?**

Always stay in touch with the school to let them know what is happening. Generally, students may miss up to ten days of school for certain lawful reasons. These include serious illness, illness or death in the immediate family, a religious holiday, or some other reason that has been approved by the school board. Keep in mind that it is up to you to tell the school the reason for the absence, and you should do so in writing. Also, many high schools now have block scheduling which means your student cannot miss many days without losing credit for their courses. Call the school to find out if this applies to your child.

### **THE SCHOOL HAS CALLED ME TO LET ME KNOW MY CHILD HAS NOT BEEN IN SCHOOL, BUT I DIDN'T KNOW ABOUT THIS ABSENCE. AM I STILL RESPONSIBLE?**

Yes. This will be recorded as an unlawful absence, which means the student was out of school without the parent or guardian's knowledge or that the parent knows but the absence is not for a lawful reason. If you are having trouble with this, ask for help from the school, because until a court says otherwise, you are responsible for making sure your child is in school.

### **I GOT A CALL FROM A SOCIAL SERVICES AGENCY ABOUT MY CHILD NOT ATTENDING SCHOOL. CAN THE SCHOOL GIVE OUT THIS INFORMATION?**

Yes. Schools are required to do something to help students improve their attendance once they have a total of five unlawful absences, or three unlawful absences in a row. In some places, schools will even go ahead and contact the court to let them know that a student has missed these days. For this reason, it is important to always let the school know why your child was absent each time he or she misses school so that it will not be counted as an unlawful absence.

*This is not all the information you need to know if you have questions about the school attendance laws in our state. You may want to talk to a lawyer about your individual situation.*

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